

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANINE DONALDSON and
KIMBERLY MCKENZIE,

Plaintiffs,

v.

RONALD LENSBOUER and
SOMERSET COUNTY,

Defendants.

Civil Action No. 3:15-cv-63-KRG

JUDGE KIM R. GIBSON

JURY TRIAL DEMANDED

**SOMERSET COUNTY'S MOTION IN LIMINE
TO PRECLUDE TESTIMONY WITH REGARD TO REPORTS OF MISCONDUCT TO CO-WORKERS**

AND NOW, comes this defendant, SOMERSET COUNTY, by and through its undersigned counsel, JonesPassodelis, PLLC, and file the within Motion in Limine to Preclude Testimony with Regard to Reports of Misconduct to Co-workers, as follows:

1. Plaintiffs' Title VII claim premised upon the existence of an allegedly hostile work environment requires, as one of its elements, proof of *respondeat superior* liability of Somerset County for the acts of one of its employees, co-defendant, Ronald Lensbouer.

2. This Court, in ruling on Somerset County's Motion for Summary Judgment has already determined that Somerset County had provided a reasonable avenue for complaint concerning any claims of sexual harassment. (See, Memorandum Opinion, p. 21).

3. Accordingly, plaintiffs must prove *respondeat superior* liability against the County by demonstrating that the County knew or should have known of the harassment and failed to take prompt and appropriate remedial action. Id.

4. Within plaintiffs' Witness List submitted on October 27, 2017, plaintiffs identify, among other witnesses, Dennis Vought, an employee of Somerset County Jail. (Relevant portions of the transcript of the deposition of Mr. Vought are attached hereto as Exhibit "A").

5. Within their Witness List, Plaintiffs represent that, "[D]uring his tenure, multiple female employees asked Mr. Vought to speak to Mr. Lensbouer regarding his behavior."

6. Additionally, during their respective testimonies, both Janine Donaldson and Kimberly McKenzie testified as to reporting alleged misconduct by Mr. Lensbouer to other corrections officers including Mr. Vought and Mark Keefer.

7. As more fully set forth within Somerset County's Brief in Support of this motion, any testimony with respect to information provided to Mr. Vought or to any other co-worker concerning Mr. Lensbouer's alleged misconduct is irrelevant to the jury's determination as to whether Somerset County knew or should have known of Mr. Lensbouer's conduct.

WHEREFORE, defendant, SOMERSET COUNTY, respectfully request that this Honorable Court enter an Order and grant its Motion in Limine to Preclude Testimony with Regard to Reports of Misconduct to Co-workers.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

_____ U.S. First Class Mail, Postage Paid
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